

CHAPTER NO. 927

SENATE BILL NO. 104

By P. Springer, Burchett

Substituted for: House Bill No. 357

By Kernell, Garrett, Brooks, Todd, Newton

AN ACT To amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 5, relative to the board of dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-220(a), is amended by deleting item (11) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() Board of dentistry, created by § 63-5-101;

SECTION 3. Tennessee Code Annotated, Section 63-5-102, is amended by deleting such section in its entirety and by substituting instead the following:

The board shall consist of six (6) practicing dentists, two (2) from each grand division of the state, one (1) board certified oral and maxillofacial surgeon, two (2) practicing dental hygienists, and one (1) practicing registered dental assistant, whose duty it is to carry out the provisions of this chapter.

SECTION 4. Tennessee Code Annotated, Section 63-5-103(a)(1), is amended by adding the following sentence:

The oral and maxillofacial surgeon member may be appointed by the Governor from a list recommended by the Tennessee Society of Oral and Maxillofacial Surgeons.

SECTION 5. Tennessee Code Annotated, Section 63-5-103(a), is amended by deleting in its entirety the first sentence of subdivision (2) and by substituting instead the following:

The dental hygienist members may be appointed by the Governor from a list recommended by the Tennessee Dental Hygienists Association.

SECTION 6. Tennessee Code Annotated, Section 63-5-124, is amended by adding the following new subsections thereto:

() The board, pursuant to duly promulgated rules, may, whenever a final order is issued after a disciplinary contested case hearing which contains findings that a licensee or other person has violated any provision of this chapter, assess the costs directly related to the prosecution of the case, including investigatory costs, against the licensee or person.

() (1) Any elected officer of the board, or any duly appointed or elected chair has the authority to administer oaths to witnesses. Upon probable

cause being established, the board, by a vote of two-thirds (2/3) of the members to which the board is entitled, may issue subpoenas for the attendance of witnesses and the production of documents and records.

(2) Service of a subpoena issued by the board shall be made by the sheriff of the county of residence of the licensee or person upon whom the subpoena is served.

(3)(A) A licensee or person served by subpoena shall have thirty (30) days to request in writing a hearing before the board for the sole purpose of making a special appearance to quash or modify the subpoena. The subpoena for attendance of the person or the production of books and records shall be stayed until the board votes upon the request to quash or modify the subpoena. A majority vote of the members to which the board is entitled shall be required to quash or modify a subpoena.

(B) A motion to appeal from a decision by the board regarding a request to quash or modify a subpoena shall be made to the chancery court in Davidson County within fifteen (15) days of such decision.

(4) If any witness fails or refuses to obey a subpoena issued by it, the board is authorized to make application to any court of record in this state within the jurisdiction of which the witness is found or resides, and the court shall have power to attach the body of the witness and compel the witness to appear before the board and give testimony or produce books, records or papers as ordered, and any failure to obey the court order may be punished by the court issuing the order as a civil contempt.


(5) Each witness who appears before the board by order of the board shall receive for attendance the compensation provided by law for attendance of witnesses in a court of record, which shall be paid from the funds of the board in the same manner as all other expenses of the board are paid.

SECTION 7. Any increased expenditures resulting from this act shall be paid from funds allotted to the board of dentistry by the Commissioner of Finance and Administration pursuant to Section 63-5-119(a).

SECTION 8. This act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: June 8, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this day of 2000

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 104 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.